

Board of Health

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Town of Walpole *Commonwealth of Massachusetts*

201-23 Mercury Disposal Regulations

A. Purpose

Whereas mercury is an element that can be toxic to humans and wildlife; and whereas exposure to mercury can damage the nervous system, brain, kidneys, liver, and immune system; and whereas mercury can enter the body either through skin absorption or through inhalation of mercury vapors; now therefore, the Board of Health of the Town of Walpole passes these rules and regulations for the disposal of products containing mercury in the Town of Walpole as part of our mission to protect the health, safety and welfare of the public.

B. Authority

These regulations are promulgated under the authority granted to the Board of Health under Massachusetts General Law, Chapter 111, Section 31.

C. Definitions

Products Containing Mercury shall mean any product that contains the element mercury. These common products include but are not limited to thermometers (i.e., fever, candy, oven, indoor & outdoor), thermostats, fluorescent bulbs and switches, barometers, sphygmomanometers (blood pressure cuffs), and button cell batteries.

Individuals shall mean any person, or persons that may be responsible for the removal or replacement of mercury containing products. The individual may be the property owner, contractor, plumber, electrician, or any other person responsible for the ultimate disposal of mercury containing products including employees and owners of retail, hardware, and electronic stores as well as administrators and employees of health care facilities or any other establishment where mercury containing products may be found.

D. Regulations

1. Products Containing Mercury shall not be disposed of through any waste stream that results in their incineration, landfilling, discharge into the environment or any other method of disposal not approved by the Department of Environmental Protection and the Walpole Board of Health. Please contact the Board of Health for current approved disposal methods. (At the time of this enactment the approved Board of Health disposal method is to bring it to the Board of Health office).

2. It shall be the responsibility of the individual(s) removing or replacing such mercury containing products to properly dispose of this product in accordance with these regulations and any state regulation regarding proper mercury disposal.
3. Products Containing Mercury must be disposed of through an approved Board of Health recycling program. Approved programs shall at a minimum document how they will accept, store, recycle and transfer each product.

E. Enforcement and Penalties

1. Any member of the Board of Health or its agents may oversee and shall enforce the removal, replacement, or disposal of products containing mercury under this regulation.
2. For the purposes of noncriminal disposition under MGL Ch. 40 21D, and the Walpole Code of Bylaws 1-109A, any violation of any section of these regulations shall be subject to a penalty in the amount of \$50 for the first offense, \$150 for the second offense, and \$300 for the third and subsequent offenses, within a 3 year period. Violation of this regulation may require appearance before the Board of Health and additional penalties may be imposed at the Board's discretion. Each day or portion thereof during which a violation continues shall constitute a separate offense.

F. Severability

Each provision of this regulation shall be construed as separate to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

G. Effective Date

These rules and regulations shall be effective as of June 15, 2003.